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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,345	02/19/2004	Behram Dacosta	50T5722.02	5398
36738	7590	06/12/2008		
ROGITZ & ASSOCIATES			EXAMINER	
750 B STREET			HOSSAIN, TANIM M	
SUITE 3120				
SAN DIEGO, CA 92101			ART UNIT	
			PAPER NUMBER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/782,345

**Applicant(s)**

DACOSTA, BEHRAM

**Examiner**

Tanim Hossain

**Art Unit**

2145

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 14-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 4-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamieniecki (U.S. 7,162,733) in view of Hayes (2006/0259184).

As per claim 1, Kamieniecki teaches a home entertainment system comprising: at least one wireless system server having at least a primary communication system (figures 3-5; Abstract; column 2 line 48 – column 3, line 43); and at least one component having at least a primary communication system configured for communicating with the primary communication system of the server, wherein the component sends information to the server using a secondary communication system that is out-of-band with the primary systems (column 5, lines 1-11; column 5, line 56 – column 6, line 11; column 7, lines 59-62). Kamieniecki does not per se teach the use of a wireless component sending configuration information to the server. Hayes teaches the use of PDAs and laptops in an automatic setup system, where the PDAs and laptops send configuration information to the server through an IR signal (0024, 0045). It would have been obvious to one of ordinary skill in the art at the time of the invention to include that the terminal components are able to send signals to a set-top box (server), as taught by Hayes, into a

home-entertainment setup system with primary and secondary communication ability, as taught by Kamieniecki. The motivation for doing so lies in the fact that sending IR signals from laptops (for example) to a set-top device is eminently well known in the art of network configurations, and would allow for an additional method through which the set-top device may identify the terminal device, for example. Both inventions are from the same field of endeavor, namely the automatic configuration of network appliances. Kamieniecki-Hayes does not specifically teach that the component sends one of a key, address, or network name. It would have been obvious to one of ordinary skill in the art to include this functionality, as such information may be required to protect a configuration from intrusion, for example. This concept is eminently well known in the art, with the configuration of a wireless network adapter serving as an example. The wireless adapter recognizes an available network, and to join it, it must send encryption information to be allowed into the network. As such, employing this functionality is well known in the art of system configuration.

As per claim 2, Kamieniecki-Hayes further teaches that the server sends configuration information using a secondary communication system to the component (Kamieniecki: Abstract).

As per claim 4, Kamieniecki-Hayes teaches the system of claim 1, but does not specifically teach that the secondary communication system includes a removable media drive and at least one media component removable from the drive. It would have been obvious to include this teaching, as this may constitute the use of a disk, flash drive, etc., such that data can be saved onto the disk and moved between the server and the terminal device. Such a teaching is

very well known in the art of system configuration, where, for example, a driver is stored on one computer and is saved onto a disk to be used on another computer.

As per claim 5, Kamieniecki-Hayes further teaches that the secondary communication system is an IR system, each of the server and the component having at least one respective IR port, the configuration information being exchangeable through the ports (Kamieniecki: column 5, lines 1-11; column 5, line 56 – column 6, line 11; column 7, lines 59-62).

As per claim 6, Kamieniecki-Hayes teaches the system of claim 5, but does not specifically teach that the configuration information is exchangeable when the ports are aligned with each other in line of sight with each other. It would have been obvious to one of ordinary skill in the art at the time of the invention to include this limitation, as general IR communication does not function unless the terminals are in line of sight with each other. For example, a remote control will not function if blocked by an object. As such, to specifically include this teaching would have been obvious to one of ordinary skill in the art.

As per claim 7, Kamieniecki-Hayes further teaches a remote control device establishing a relay node between the ports (Kamieniecki: column 2, lines 48-59).

As per claim 8, Kamieniecki-Hayes teaches the system of claim 1, but does not specifically teach a constraining distance for signals to be exchanged. It would have been obvious to one of ordinary skill in the art to specifically include this limitation, as IR signals are generally constrained by distance, where IR signals can only travel up to certain distances.

As per claim 9, Kamieniecki-Hayes further teaches that the configuration information is exchanged automatically between the server and component when the distance between them is

within the communication distance (Kamieniecki: column 5, lines 1-11; column 5, line 56 – column 6, line 11; column 7, lines 59-62).

As per claim 10, Kamieniecki-Hayes further teaches that the configuration information is exchanged between the server and component only when the distance between them is within the communication distance and a user manipulates at least one button on at least one of the server and the component (Kamieniecki: column 1, lines 29-32; column 5, lines 1-11; column 5, line 56 – column 6, line 11; column 7, lines 59-62).

As per claim 11, Kamieniecki-Hayes further teaches that the secondary communication systems are personal area networks (Kamieniecki: column 5, lines 1-11; column 5, line 56 – column 6, line 11; column 7, lines 59-62).

As per claim 12, Kamieniecki-Hayes teaches the system of claim 1, but does not specifically teach that the primary communication system is an 802.11 system. It would have been obvious to include this limitation into the system of Kamieniecki-Hayes, as an 802.11 system is commonly used in the art of transferring information through a network. As such, to include this teaching specifically would allow for another example of network type (in addition to the existing network types), which would have been an obvious contemplation in the development of the invention.

As per claim 13, Kamieniecki-Hayes further teaches that the server is established by a set-top box receiver (Kamieniecki: figure 2).

***Response to Arguments***

Applicant's arguments filed on December 11, 2007 have fully been considered.

a. Contrary to Applicant's assertion, Kamieniecki-Hayes teaches the use of two communication systems: one is the CATV system, and the other is the IR system. As such, the limitations of claim 1 are fully taught.

b. It is well known in the art that a computer system may include a cable television tuner, for example. As such, a computer system may be used to implement the invention of Kamieniecki-Hayes. Computer systems ubiquitously contain storage drives. As such, it would have been obvious to one of ordinary skill in the art to include this functionality into the system of Kamieniecki-Hayes.

c. The function of IR signals is simply limited by physical considerations, where objects must be in line of sight with one another to communicate. Remote control signals will not reach their targets if there are objects blocking them, for example. This concept is eminently well known in the art. The same physical considerations apply for the distances that IR signals may travel.

d. The use of an 802.11 protocol is well known in the art of data transfer. The employment of this concept into the system of Kamieniecki-Hayes would have been obvious to one of ordinary skill. For example, U.S. Patent Application 2001/0044588 to Mault teaches the use of an 802.11 protocol within a variety of systems (paragraph 0047). As such, the inclusion of this concept is well known in the art.

e. The past application of cited references to currently withdrawn claims does not affect the applicability of the references on the currently pending claims. The merits of the cited references stand on their own with respect to the current claims. The previously withdrawn

claims were shown to disclose different inventions, hence their restriction. This does not affect the applicability of the cited references onto the remaining claims.

f. This application contains claims 14-30 drawn to an invention nonelected with traverse in the reply filed on March 3, 2008. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is (571)272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571/272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Jason D Cardone/  
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